8396760/2024/SEC-IV-EFS01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – A.P. Forest Department - Formation of road in Lingamparthy Reserve Forest in Compt. No.587 from Konda Timmapuram to China Vanthada in Yeleswaram Mandal – Illegal transportation of Laterite –Violation of Forest Conservation Act, 1980 & A.P. Forest Act, 1967 – Common disciplinary proceedings initiated – Inquiry under Rule-20 of A.P. Civil Services (CC&A) Rules, 1991 against **Sri P. Visweswara Rao, Forest Section Officer, earlier In-charge Deputy Range Officer, Yeleswaram Section of Yeleswaram Range, presently working in Logging Division, Rajahmundry of Rajahmundry Circle** – Articles of Charges – Issued.

ENVIRONMENT, FORESTS, SCIENCE & TECHNOLOGY (Sec.IV) DEPARTMENT

G.O.Rt.No.11 **Dated: 03.01.2024.**

Read the following:

1)From the Director General, Vigilance & Enforcement Department, Vigilance Report No.55 (C.No.1678/V&E/NR-1/2016), dated 21.12.2018.

2)Memo.No.119/Sec.IV/A1/2019, EFS&T (Sec.IV) Department, dated 29.12.2023.

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ORDER:

It is proposed to hold an inquiry against Sri P. Visweswara Rao, Forest Section Officer, earlier In-charge Deputy Range Officer, Yeleswaram Section of Yeleswaram Range, presently working in Logging Division, Rajahmundry of Rajahmundry Circle in accordance with the procedure laid down in Rule-20 of the A.P. Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of article of charges (Annexure-II).A list of documents by which, and a list of witnesses by whom, the articles of charges are proposed to be sustained are also enclosed (Annexure-III and IV).

3. Sri P. Visweswara Rao, Forest Section Officer, earlier In-charge Deputy Range Officer, Yeleswaram Section of Yeleswaram Range, presently working in Logging Division, Rajahmundry of Rajahmundry Circle, is directed to submit a written statement of his defense within (10) days from the date of receipt of this order.

4. Sri P. Visweswara Rao, Forest Section Officer, earlier In-charge Deputy Range Officer, Yeleswaram Section of Yeleswaram Range, presently working in Logging Division, Rajahmundry of Rajahmundry Circle, is informed that the inquiry will be held only in respect of those Articles of Charges as are not admitted. He should, therefore, specifically admit or deny each Article of Charge.

5. Sri P. Visweswara Rao, Forest Section Officer, earlier In-charge Deputy Range Officer, Yeleswaram Section of Yeleswaram Range, presently working in Logging Division, Rajahmundry of Rajahmundry Circle, is further informed that if he does not submit his written statement of defense within the time specified in Para-3 above, further action will be taken based on the material available.

P.T.O.

6. Sri P. Visweswara Rao, Forest Section Officer, earlier In-charge Deputy Range Officer, Yeleswaram Section of Yeleswaram Range, presently working in Logging Division, Rajahmundry of Rajahmundry Circle, is informed that under Rule-24 of the A.P. Civil Services (Conduct) Rules, 1964, no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Sri P. Visweswara Rao, Forest Section Officer, earlierIn-charge Deputy Range Officer, Yeleswaram Section of Yeleswaram Range, presently working in Logging Division, Rajahmundry of Rajahmundry Circleis aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule-24 of the A.P. Civil Services (Conduct) Rules, 1964.

7. The receipt of this order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

NEERABH KUMAR PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri P. Visweswara Rao, Forest Section Officer, formerly In-charge Deputy Range Officer, Yeleswaram Section of Yeleswaram Range, presently working in Logging Division, Rajahmundry of Rajahmundry Circlethrough the Principal Chief Conservator of Forests & Head of Forest Force, Andhra Pradesh, Mangalagiri.

Copy to:

The Principal Chief Conservator of Forests & Head of Forest Force, Andhra Pradesh, Mangalagiri. (He is requested to serve the order on the individual, obtain his dated acknowledgment on the duplicate copy and resubmit the same to Government for record)
SF/SC (Computer No.1455666).

//FORWARDED:: BY ORDER //

SECTION OFFICER

8396760/2024/SEC-IV-EFS01

ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINSTSRI P. VISWESWARA RAO, FOREST SECTION OFFICER, EARLIER IN-CHARGE DEPUTY RANGE OFFICER, YELESWARAM SECTION OF YELESWARAM RANGE, PRESENTLY WORKING IN LOGGING DIVISION, RAJAHMUNDRY OF RAJAHMUNDRY CIRCLE

Sri P. Visweswara Rao, Forest Section Officer, earlier In-charge Deputy Range Officer, Yeleswaram Section of Yeleswaram Range, presently working in Logging Division, Rajahmundry of Rajahmundry Circle from 24.09.2014 to 09.01.2015 has exhibited gross neglect of duty during his tenure as mentioned in the following Articles of Charge:-

ARTICLE OF CHARGE – I

That he had failed to inspect the area daily and report the violations of Forest (Conservation) Act, 1980 / ROFR Act, 2006 to the Higher authorities even after obtaining instructions, violation of the duties as stipulated under para 156 of Forest Department Code Volume-I causing huge loss to Forest Department and ecology.

Sri P. Visweswara Rao, Forest Section Officer, earlier In-charge Deputy Range Officer, Yeleswaram Section of Yeleswaram Range, Presently working in Logging Division, Rajahmundry of Rajahmundry Circle by his above mentioned Acts has exhibited lack of integrity, discipline and devotion to duty and conduct unbecoming of a Government Servant and thereby contravened Rule-3(1) of the A.P. Civil Services (Conduct) Rules, 1964. Hence the charge.

NEERABH KUMAR PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER //

SECTION OFFICER

ANNEXURE-II

STATEMENT OF IMPUTATIONS AND MISCONDUCT OR MISBEHAVIOR IN SUPPORT OF ARTICLES OF CHARGE FRAMED AGAINST SRI P. VISWESWARA RAO, FOREST SECTION OFFICER, EARLIER IN-CHARGE DEPUTY RANGE OFFICER, YELESWARAM SECTION OF YELESWARAM RANGE, PRESENTLY WORKING IN LOGGING DIVISION, RAJAHMUNDRY OF RAJAHMUNDRY CIRCLE

Sri P. Visweswara Rao, Forest Section Officer, earlier In-charge Deputy Range Officer, Yeleswaram Section of Yeleswaram Range, presently working in Logging Division, Rajahmundry of Rajahmundry Circle from 24.09.2014 to 09.01.2015 has exhibited gross neglect of duty during his tenure as mentioned in the following Articles of Charge:-

ARTICLE OF CHARGE

That he had failed to inspect the area daily and report the violations of Forest (Conservation) Act, 1980 / ROFR Act, 2006 to the Higher authorities even after obtaining instructions, violation of the duties as stipulated under para 156 of Forest Department Code Volume-I causing huge loss to Forest Department and ecology.

Basis of the charge:-

As per the duties and responsibilities confined under section 156 of Andhra Pradesh Forest Department Code Volume-I, the Deputy Range Officer is directly responsible for efficient management of Range, proper protection of forests and for custody and condition of all the Government property included in his Range. But, the individual has violated the same.

That certain proposals were received from the Deputy Engineer, Panchayat Raj Sub-Division, Prathipadu for formation of a Road across the Lingamparthi R.F. under RoFR Act, 2006 from Konda Timmapuram to China Vanthada to Vanthada in Lingamparthi Beat in Yeleswaram Section and Range. Later as recommended by the Forest Range Officer, Yeleswaram and Sub-Divisional Forest Officer, Yeleswaram, considering the representations and basing on the resolutions of Panchayat Sarpanch, Secretary Lingamparthi, FRC Chairman & Members, VSS Chairman & Members of Konda Timmapuram, the Divisional Forest Officer, Kakinada has accorded permission for formation of the Road over a length of 1576 mts. with a width of 4.00 m. (1576 m. x 4.00 mts. = 6304 sq.m. i.e., 0.6304 ha. area only) from Konda Timmapuram to China Vanthada to Vanthada in Yeleswaram Mandal under sub section (2) of Section 3 (1) and 3 (2) of the RoFR Act, 2006 in Rc.no.5627/2014-D1, dt.01.11.2014 for the purpose of the movement of the local Tribals for their daily needs such as medical, education and livelihood.

The Forest Range Officer, Yeleswaram in his Rc.No.521/2014, dated.11.08.2015, has reported that during the regular field inspections, it is observed that the above road was formed with a width up to 8.00 mts. as against the permitted width of 4.00 mts. which is a violation of Forest (Conservation) Act, 1980 and A.P. Forest Act,1967.

Considering the facts and due to the violation of Forest (Conservation) Act, 1980 and Andhra Pradesh Forest Act,1967 in formation of road over a width of 8.00 m. instead of 4.00 m. and recommendations of the Forest Range Officer, Yeleswaram, the Divisional Forest Officer, Kakinada has withdrawn the permission in Rc.No.5627/2014-D1, dated.12.08.2015.

While formation of Road in excess than the permitted area, 0.6304 ha. (1,576 X 4.00 m.) of Reserved Forest land was illicitly encroached in Compartment No.587 of Lingamparthi Reserved Forests.

P.T.O.

Thus the Deputy Range Officer has shown negligence in performing his legitimate duties by not properly protecting the forest wealth within his jurisdiction. If the individual was vigilant in his duties in perambulating the area, he could have prevented the illegal formation of Road and encroachment of Forest land by violating the provisions of Forest (Conservation) Act, 1980 in Reserved Forests and registered criminal cases against the offenders under Forest Acts. Thus he has not reported the facts and misled the higher officers by suppressing the facts.

The Vigilance & Enforcement Department has pointed out certain irregularities in negligence of duty, inaction to prevent the illegal formation of Road and encroachment of Forest land by violating the provisions of Forest (Conservation) Act,1980 in Reserved Forests and failed to register criminal cases against the offenders under Forest Acts and hence recommended to Government for initiation of disciplinary action against the Forest officials/staff concerned in Vigilance Report No.55 (C.No.1678/V&E/NR.1/2016, dated.21.12.2018). On the irregularities pointed out by the Vigilance and Enforcement Department, the EFS&T (Sec.IV) Dept., in Memo No.119/Sec.IV/A1/2019, dated 29.05.2019 have decided to initiate common disciplinary action against the concerned Forest Beat Officers, Forest Section Officers, Forest Range Officers and Sub- Divisional Forest Officers of Kakinada Division, who are responsible for the said irregularities.

The report of the Vigilance & Enforcement Department regarding road formation in Forest area is as follows.

Forest Area:

From Forest cairn in Compartment No.703 of Vanthada Village to Forest Boundary line in China Vanthada:

I. The road measurements were taken at 17 locations for a length of 1,597 mts. The average width of the road is observed as 7.45 m. (126.7/17) and total area works out about 1.18 Hectares (1597x7.45/10000). No records are available regarding formation of this part of the road. The Forest Officials informed that this part of road belongs to Revenue land of Vanthada Village.

II. Part of the road (Vanthada to China Vanthada) that the hillock was excavated on both sides of road at 17 locations and the width of road formation varies from 5.0 m. to 9.50 mts. and depth of excavation varies from 2.0 m. to 4.50 m.

From China Vanthada Forest boundary line to Konda Thimmapuram Forest boundary line:

The road measurements were taken at 22 locations for a length of 1962 mts. in this part of the road. This part of road is laid in Lingamparthi Reserve Forest covered in Compartment No.588 and 589. The average width of road formation works out to 9.295 mts (204.5/22) and the total area works out to 1.823 ha. (1,962x9.295/10000). The depth of excavation varies from 1.50 m. to 15 m. in this part of road (1 to 22 locations in Forest area). Further, in this part of the road (China Vanthada to Forest boundary of Konda Thimmapuram). It was observed that the hillock was excavated on both sides of road in hard strata and seems to be excavated with the help of machinery after blasting operations. The marks of teeth of excavator and hole made for blasting operations with abandoned wire are noticed.

Further, it is observed that the alignment of newly formed road is crossing the actual proposed foot path (Right of way) with 2.0 m. width at the location 1,13, and 16 in this part (from China Vanthada to Konda Thimmapuram road in Forest area) and is covered with natural vegetation.

(Contd.P-3)

The rest of the newly formed road alignment is deviated from the existing Right of way.

The recommendations of the Vigilance & Enforcement Department against Sri P.Visweswara Rao, Forest Section Officer, earlier I/c Deputy Range Officer, Yeleswaram Section of Yeleswaram Range are as follows:-

i. The version of Sri P. Visweswara Rao is contradictory. On one side, he says that the work was not commenced during his tenure as additional charge Deputy Range Officer, Yeleswaram from 24.09.2014 upto 09.01.2015 and on the other hand he knows that the road was being formed by using machinery by the mining lease holders of China Vanthada and he could not stop the work as per oral instructions of Sri A.Trimurthulu Reddy, FRO.

ii. In fact, as verified from the Google Earth Map, the work was commenced and completed upto Vanthada illegally violating the guidelines of sanction under RoFR Act, 2006, Forest (Conservation) Act,1980 and A.P.Forest Act,1967. It seems he was given additional charge for this purpose only on 24.09.2014. Also he did not attend to his daily duties violating the written instructions of Smt.G.Mangamma, earlier FRO(trainee) to inspect the site and to report the progress. He did not attend to the site, citing the oral instructions of Sri A.Trimurthulu Reddy, FRO. Hence his part in collusion with mining lease holders to form the above widened road to facilitate transportation of the mining produce cannot be ruled out. He was relieved on 09.01.2015 after completion of the road, as ascertained from Google Earth Map dated.09.01.2015.

iii. Whatever may be the oral instructions from higher officers, be failed to perform his legitimate duties as per para 156 of AP Forest Code Volume-1 and he could not stop the illegal work being executed in the forest in his jurisdiction. The version of the In-charge Deputy Range Officer is not convincing.

Thus, the Deputy Range Officer has shown negligence in performing his legitimate duties by not properly protecting the forest wealth within his jurisdiction. If the individual was vigilant in his duties in perambulating the area, he could have prevented the illegal formation of road and encroachment of Forest land by violating the provisions of Forest (Conservation) Act, 1980 in Reserved Forests and registered criminal cases against the offenders under Forest Acts. Hence, he failed to report the facts and misled the higher officers by suppressing the facts.

Thus, the Charged Officer has failed to discharge his **general duties of Forest Officer under Section 148 of A.P. Forest Department Code and failed to attend the legitimate duties and responsibilities of Deputy Range Officer as envisaged under Section 156 of A.P. Forest Department Code** and thereby, violated the provisions of the A.P. Forest Act, 1967, Forest (Conservation) Act, 1980 and Circular instructions issued by the Principal Chief Conservator of Forests, Andhra Pradesh, Hyderabad in Circular No.13/1995, dated.12.11.1995 on Beat Inspections. **Hence, the Articles of charge**.

NEERABH KUMAR PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER //

SECTION OFFICER

8396760/2024/SEC-IV-EFS01

ANNEXURE-III

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGES FRAMED AGAINST SRI P. VISWESWARA RAO, FOREST SECTION OFFICER, EARLIER I/C DEPUTY RANGE OFFICER, YELESWARAM SECTION OF YELESWARAM RANGE, PRESENTLY WORKING IN LOGGING DIVISION, RAJAHMUNDRY OF RAJAHMUNDRY CIRCLE ARE PROPOSED TO BE SUSTAINED

1. District Forest Officer, Kakinada Ref.No.5627/2014-D1, dated.01.11.2014.

2. Forest Range Officer, Yeleswaram, Report in Ref.No.521/2014, dated.11.08.2015.

3. District Forest Officer, Kakinada Rc.No.5627/2014/D1, dated.12.08.2015.

4. District Forest Officer, Kakinada Rc.No.5627/2014/D1, dated.01.12.2015.

5. Director General (Vigilance &Enforcement) & E.O. Principal Secretary to Government, General Administration (Vigilance &Enforcement) Department, Government of Andhra Pradesh, Velagapudi, Amaravathi Vigilance Report No.55 (C.No.1678/ V&E/NR1/2016), dated 21.12.2018.

6. Govt.Memo.No.119/Sec.IV/A1/2019, EFS&T (SEC.IV) Department, dated 29.05.2019.

7. The Principal Chief Conservator of Forests & Head of Forest Force, Andhra Pradesh, Guntur Ref.No.5520/2019/Vig-1, dated.06.08.2019.

NEERABH KUMAR PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER //

SECTION OFFICER

8396760/2024/SEC-IV-EFS01

ANNEXURE-IV

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGE FRAMED AGAINST SRI P. VISWESWARA RAO, FOREST SECTION OFFICER, EARLIER IN-CHARGE DEPUTY RANGE OFFICER, YELESWARAM SECTION OF YELESWARAM RANGE, PRESENTLY WORKING IN LOGGING DIVISION, RAJAHMUNDRY OF RAJAHMUNDRY CIRCLE ARE PROPOSED TO BE SUSTAINED.

The concerned Officials of the Vigilance and Enforcement Department of Rajamahendravaram unit who have inspected the illegal formation of road in Compartment No.587 of Lingamparthi Reserve Forest of Yeleswaram Range of Kakinada Division.

NEERABH KUMAR PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER //

SECTION OFFICER